

Attorney Docket No.: JIL10B

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Jung et al.

Serial No.: 09/872,039

Filed: June 1, 2001

For: APPARATUS AND METHOD FOR  
MEASURING OPTICAL  
CHARACTERISTICS OF AN  
OBJECT

Examiner: Kim, P.

Group Art Unit: 2857

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Assistant Commissioner for Patents  
Washington, D.C. 20231I hereby certify that this Amendment is being faxed on the date indicated below to 703-308-9722. *7722 af*AMENDMENT AFTER FINAL REJECTIONREQUEST FOR RECONSIDERATION

Sir or Madam:

In response to the office action mailed May 9, 2002, please reexamine the above-identified application in view of the following amendment and remarks. Reconsideration is requested.

REMARKS

Claims 2-48 are in the application (claims 2 and 47 being independent). Claims 2 and 47 were rejected under Section 102(e) (along with certain other claims) in view of Smith, while the remaining claims were rejected in view of Smith combined with other references. It is clear that all rejections were premised on an interpretation of the Smith reference, which (Applicant respectfully submits) is incorrect. While Applicant reserves the right to contest that Smith is in fact a proper reference under Section 102 due to Applicant's prior work, in view of the clear differences between Smith and Applicant's claimed invention, reconsideration is requested.

Applicant's invention as recited in claim 2 provides as follows; the underlined portions emphasize certain points of distinction between Applicant's invention and the Smith disclosure.

2. A method for remotely controlling through an electronic connection one or more systems that include a spectral measurement device, comprising the steps of:  
providing at least a first system at a first location;  
at a second location remote from the first location, generating at least one or more operational commands for the first system;